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MAIL BRANCH

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Part 97 of the)
Commission's Rules to Relax)
Restrictions on the Scope of) PR Docket No. 92-136
Permissible Communications in)
the Amateur Service.)

To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF RICH SLOVER, ND4F

Removing restrictions from amateurs to allow them to perform public service functions without having to worry whether we are 'legal' is absolutely essential to those of us who use amateur radio during public service activities.

However, the other edge of this two-sided sword is that the relaxed restrictions open up potential abuse by those whose interests are less than honorable. These comments are made with the hope that any changes made to Part 97 will not open up loopholes that will turn us into an alternative business band service.

On the pro side, I have worked in events where alternative communications systems (cellular phones) were used to provide communications to event directors and their workers. In many cases, the cellular systems were on loan from a local company, and many times the batteries in these systems would die at critical times, making them unusable to the workers and creating a communications problem. Amateur radio would then be relied on to complete the communications task, to

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the relief of the event personnel. Prohibiting communications by amateurs ON A REGULAR BASIS that can be furnished alternatively through other radio services is an adequate solution to this problem, and allows amateur operators to participate in more events where seemingly adequate communications are present.

Not considered or mentioned in this docket is the situation where an amateur is volunteering their time during an event where normal communications are not available, and someone outside needs to contact the person on a priority basis for a one-shot, job-related problem. An example is an event where we had a Registered Nurse who was an amateur operating inside the boundaries of a National Park, miles from any communications, paged by her hospital. Had the page been business oriented, she could have potentially been in violation of Part 97 by simply returning the call. Part 97 could be amended to state that an amateur participating in an event where no other types of communications are available could relay vital information to those parties depending on that information, on other than a regular basis. This would allow amateur operators to perform in an event without having to jeopardize their business operations by not being able to respond to a priority or possible emergency call, yet keep those who would abuse such a system from using the amateur service for their business purposes.

Amateur operators assisting in relief efforts are sometimes called upon to communicate with business entities by the relief organizations

seeking contributions or possible purchase of items necessary to the relief effort. In such situations, it is difficult to explain to the relief agencies our restrictions on business communications. With the proposed rule changes, this would be allowable, and should be so.

Possible business communications during an event should be permissible. In many events, workers need to relay information to other locations at the event, sometimes related to food, possible lodging, and transportation. These communications CANNOT REASONABLY BE HANDLED BY ANY OTHER MEANS. The recommended changes to Part 97 will allow this to occur.

On the contrary side, a strong potential for abuse is present. For example, under the proposed rule changes, an amateur operator could make a pizza order for another operator over an autopatch. Under the changes proposed, the one placing the order has no pecuniary interest in the transaction, but an amateur operator does profit. Pecuniary interest should be clarified within Part 97 as any activity in which those participating in the communication also participate in the profit potential. Many would figure out creative ways to conduct business using this loophole, in spite of the ARRL's comment about avoiding exploitation due to self-regulation. I believe that 97.113 (a)(2) should be modified to avoid this loophole somehow. Perhaps limiting the use of possible business communications to public service activities within the structure of organized nets would be one possible modification. It may be that this is the fly in the ointment.

Our local RACES group is in charge of providing severe weather and localized weather information to the local emergency management group in the event of a situation requiring our assistance. It would be nice to have access to the NOAA Weather channel if needed, or to be able to get an immediate relay from another amateur without having to hear it verbally relayed by the amateur, possibly faultily. In hazardous chemical spills, wind directions and speeds are critical. Both the Emergency Operations Center and the Incident Commander need to be kept informed of weather changes as they occur. The changes recommended to Part 97 accommodate this effectively.

In past wording of Part 97, the amateur service was limited to providing support to events where the public would be the primary beneficiary of the assistance. It became questionable during an event as to just who was benefiting the most, especially if it was a for-profit event. As a result, our local amateur group set a policy that we would only provide assistance for non-profit organizations using public participants in their events, where the proceeds were used to further a charitable cause. There were other events that we have refused to participate in, due to the potential profit motive by the sponsors, but where the Amateur Service could have been of service to the spectators AND the participants. Part 97 changes will also handle this situation admirably.

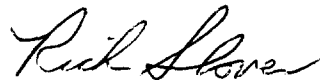
The situation addressed in this docket about teachers is adequate. I agree with the ARRL on this situation. Teachers should be able to use

any means at their disposal to teach, including the use of amateur radio in the classroom, whether they get paid or not. The compensation for broadcasted code practice and information bulletins is conceded. I wish W1AW a long and prosperous life.

For the reasons stated above, I believe the Commission should modify the rules as proposed, but changing Section 97.113(a)(2) to read:

(2) Communications in which the station licensee or control operator have a pecuniary interest, including communications on behalf of an employer, except where the amateur operator is participating in a public service event at a location where no other means of communication is available, and must impart information vital to the employer or employees, on an other than regular basis. Amateur operators may, however, notify other amateurs of the availability for sale or trade, of apparatus normally used in an amateur station, provided that such activity is not conducted on a regular basis;

Respectfully submitted,



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